



PUBLIC NOTICE

04-344

Federal Communications Commission
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DA 03-3669

Released: November 19, 2003

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON MARITEL, INC. PROPOSAL TO SERVE AS AUTOMATIC IDENTIFICATION SYSTEM (AIS) FREQUENCY COORDINATOR

Comment Date: December 12, 2003

Reply Comment Date: December 22, 2003

On November 7, 2003, MarITEL, Inc. (Maritel) submitted a proposal to the Commission to serve as the Automatic Identification System (AIS)¹ frequency coordinator.² Maritel states that its proposed plan would satisfy its requirements under Section 80.371 of the Commission's Rules to provide the United States Coast Guard (Coast Guard) access to spectrum for AIS use.

By way of background, the International Maritime Organization Maritime Safety Committee approved carriage requirements for shipborne AIS equipment to be phased in beginning July 1, 2002. Maritime VHF channels 87B (161.975 MHz) and 88B (162.025 MHz) are allocated internationally for AIS use pursuant to the 1997 World Radiocommunication Conference, but Administrations may use other channels if Channels 87B or 88B are not available. In 1998, the Commission declined to designate specific frequencies for AIS use in the United States. Instead, it directed that each licensee of VHF Public Coast Service Areas 1-9 must negotiate with the Coast Guard regarding the designation of two narrowband channel pairs for domestic AIS use.³ The Commission also provided that it would revisit the issue and select the channels if good faith negotiations did not yield an agreement. In 2001, Maritel, as the licensee of VHF Public Coast Service Areas 1-9, and the Coast Guard agreed to designate maritime VHF channels 87A/B (157.375 MHz/161.975 MHz) for AIS use. They accordingly executed a Memorandum of Agreement (MOA) to that end. In 2002, after the National Telecommunications and Information Administration (NTIA) authorized the Coast Guard to use Channel 88B for AIS, the Commission's Wireless Telecommunications Bureau and Office of Engineering and Technology released

¹ AIS employs self-organizing time division multiple access techniques to provide a VHF ship-to-ship/ship-to-shore maritime radio service in which vessels and designated shore stations broadcast a unique identifier, coupled with safety-related information on, for example, ship positions and intentions. AIS-transmitted information can be received by similarly equipped vessels and shore stations in order to improve collision avoidance and facilitate vessel tracking.

² Letter dated November 7, 2003, from Dan Smith, President and CEO, Maritel, to Catherine W. Seidel, Deputy Chief, Wireless Telecommunications Bureau (*Maritel Letter*).

³ 47 C.F.R. § 80.371(c)(3); Amendment of the Commission's Rules Concerning Maritime Communications, *Third Report and Order and Memorandum Opinion and Order*, PR Docket No. 92-257, 13 FCC Rcd 19853, 19876-77 ¶¶ 48-49 (1998).

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public notices announcing that ship station AIS operations on maritime VHF channels 87 and 88 would be deemed to be authorized under existing ship licenses, and establishing the procedures for certification of AIS equipment.⁴ In 2003, however, Maritel terminated the MOA. Subsequently, Maritel filed an emergency petition for declaratory ruling that shipborne AIS transmitters may not operate on channels 87B and 88B or any other channel designated for use by VHF public coast stations, and NTIA filed a petition for rulemaking urging the Commission to work with NTIA to allocate channels 87B and 88B exclusively for AIS use by both Federal Government and non-Federal Government users on a shared basis nationwide.⁵

Maritel now proposes that the controversy surrounding use of channels 87B and 88B be resolved by designating Maritel as the AIS frequency coordinator. Under this proposal, in lieu of providing narrowband channel pairs to the Coast Guard pursuant to Section 80.371(c)(3) of the Commission's Rules, Maritel would accommodate the NTIA's request for nationwide use of channel 87B for AIS in a wideband simplex mode while remaining the licensee of the channel, "charged with administration of the channel for the benefit of the Coast Guard and mariners."⁶ As the exclusive AIS frequency coordinator, Maritel says, it would process Maritime Mobile Service Identity (MMSI) applications and maintain a database of all AIS transponders on vessels, irrespective of whether the vessels' carriage of the transponder is mandatory or voluntary, including foreign flag vessels required to carry AIS equipment under the International Convention for the Safety of Life at Sea (SOLAS Convention). As part of this function, Maritel would, among other things, provide annual reports of AIS deployment to the Commission and the Coast Guard, and maintain an Internet site with information on the location of ports and waterways requiring AIS transponders. Maritel also proposes to process MMSI applications for all shore stations and aids-to-navigation. Maritel adds that, for an additional fee, it would provide AIS Information Services, including vessel location services derived from real-time data, to vessel operators, port and harbor authorities, and state and local governments. Maritel also sets forth what it anticipates to be the initial fee schedule for its AIS frequency coordination services.⁷

In conclusion, Maritel pledges to agree to the dedication of channels 87B and 88B for nationwide AIS use, subject to the following conditions: (a) the Commission will designate Maritel as the exclusive AIS frequency coordinator; (b) the Commission will eliminate Maritel's coast station coverage requirements⁸ because of its consequent inability to provide services where there are simplex AIS operations on channels 87B and 88B; (c) the Coast Guard will provide Maritel with real-time access to AIS data to provision information and vessel location services to both private and non-federal government

⁴ Wireless Telecommunications Bureau Announces Use of An Additional Frequency for the United States Coast Guard's Ports and Waterways Safety System, *Public Notice*, 17 FCC Rcd 10960 (WTB PSPWD 2002); Applications for Equipment Authorization of Universal Shipborne Automatic Identification Systems To Be Coordinated with the U.S. Coast Guard to Ensure Homeland Security, *Public Notice*, 17 FCC Rcd 11983 (OET 2002).

⁵ See Wireless Telecommunications Bureau Seeks Comment on Maritel, Inc. Petition for Declaratory Ruling and National Telecommunications and Information Administration Petition for Rulemaking Regarding the Use of Maritime VHF Channels 87B and 88B, *Public Notice*, DA 03-3585 (WTB PSPWD rel. Nov. 7, 2003). Comments on these petitions are due by December 1, 2003, and reply comments are due by December 11, 2003.

⁶ *Maritel Letter* at 1.

⁷ Domestic vessels would be charged an initial registration fee of \$300 (for mandatory carriage vessels) or \$375 (for non-mandatory carriage vessels), with an annual renewal fee of \$75. Foreign vessels subject to the SOLAS Convention would be charged a \$75 annual fee. Shore stations would be charged an initial fee of \$4,500 per site for processing and RF engineering study, and a \$750 annual renewal fee thereafter.

⁸ See 47 C.F.R. § 80.49.

entities; and (d) the Commission will promulgate rules clarifying the land/water line of demarcation where channels 87B and 88B need not be reserved for AIS operations.⁹

Interested parties may file comments on the Maritel proposal on or before December 12, 2003. Parties interested in submitting reply comments must do so on or before December 22, 2003. All comments should reference the subject request including the DA number of this Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20554.¹⁰ A copy of each filing also should be sent to 1) Qualex International, Inc., Portals II, 445 Twelfth Street, S.W., Room CY-B402, Washington, D.C. 20554; 2) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center (RIC), 445 Twelfth Street, S.W., Room CY-B529, Washington, D.C. 20554; 3) Tim Maguire, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, 445 Twelfth Street, S.W., Room 4-C342, Washington, D.C. 20554; and 4) Jeffrey Tobias, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, 445 Twelfth Street, S.W., Room 2-C828, Washington, D.C. 20554.

The *Maritel Letter* and responsive comments and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer Information Bureau (CIB), Federal Communications Commission, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be obtained from the Commission's duplicating contractor, Qualex International, Inc., Portals II, 445 Twelfth Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893, facsimile (202) 863-2898, or via e-mail qualexint@aol.com. For further information regarding the public reference file for this request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this Public Notice, will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Tim Maguire or Jeffrey Tobias of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-0680, TTY (202) 418-7233 or via email to Tim.Maguire@fcc.gov or Jeff.Tobias@fcc.gov.

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

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⁹ *Maritel Letter* at 4.

¹⁰ The address for FCC filings should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).